

MARGARET DONNELLAN TODD
COUNTY LIBRARIAN

September 27, 2005

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**APPROVAL OF AMENDMENT NO. 4 TO AGREEMENT NO. 68733
FOR PUBLIC USE COPIERS AND TYPEWRITERS
(ALL DISTRICTS) (3-VOTE MATTER)**

IT IS RECOMMENDED THAT YOUR BOARD:

Approve and delegate authority to the County Librarian to sign the attached Amendment No. 4 to Agreement No. 68733 with CMS, Inc. (formerly APS Affiliates, Inc.) to pay \$500 per month to offset the increased cost of fuel, and to extend the term of the agreement an additional six months. This amendment shall become effective upon your Board's approval or October 1, 2005 whichever is later.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to enable the Public Library to continue providing copier and typewriter services to the public under an existing concession agreement while developing a new means of providing these services. The Board previously delegated authority to the County Librarian to extend the current contract upon mutual agreement with the contractor. Due to the significant increase in gasoline cost, the contractor has requested additional compensation during the extension to offset increased operating costs for fuel. Given the current fuel price crisis, the Department considers the contractor's request reasonable. This amendment will allow the Public Library to pay \$500 per month to the contractor to offset increased operating costs for fuel, and to extend the term of the agreement for an additional six months.

Implementation of Strategic Plan Goals

Approval of the recommended amendment is consistent with the County's Strategic Plan in the areas of service excellence, fiscal integrity, and organizational effectiveness.

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FISCAL IMPACT/FINANCING

The Public Library has sufficient funding in its operating budget to finance the negligible impact of the recommended action.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Public Library has successfully utilized a concession contract model to provide coin operated photocopiers and typewriters for public use for the past fifteen years. The Library has notified CMS, Inc. of our intent to extend the current contract for six months. However, the contractor is concerned about rising gasoline prices and requested additional compensation during the extension period to offset increased operating costs for fuel. The proposed amendment provides authority for the Public Library to pay the contractor \$500 per month for the increased fuel cost. The amendment also provides delegated authority for the County Librarian to extend the agreement on a month-to-month basis for up to six additional months in order to complete the solicitation process for a replacement agreement.

County Counsel has approved this amendment as to form.

CONTRACTING PROCESS

Not applicable.

IMPACT ON CURRENT SERVICES

Approval of this amendment will assure the continuation of pay per usage copier and typewriter service in County Public Library facilities.

The Honorable Board of Supervisors
September 27, 2005
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CONCLUSION

Please return a conformed copy of the adopted Board letter and amendment to the Public Library, and Office of the County Counsel, Attention: David Beaudet, 201 Centre Plaza Drive, Suite 1, Monterey Park, CA 91754.

Respectfully submitted,

Margaret Donnellan Todd
County Librarian

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Attachment

c: Chief Administrative Office
County Counsel
Executive Office, Board of Supervisors

AMENDMENT NO. 4 TO AGREEMENT NO. 68733

**BY AND BETWEEN CMS, INC. (FORMERLY APS AFFILIATES, INC.),
AND THE COUNTY OF LOS ANGELES TO PROVIDE
THE PUBLIC LIBRARY DEPARTMENT THE OPERATION OF A CONCESSION**

THIS AMENDMENT NO. 4 TO AGREEMENT NO. 68733 IS MADE AND ENTERED
INTO THIS _____ DAY OF _____ 2005

WHEREAS, the County of Los Angeles, a political subdivision of the State of California, hereinafter referred to as County, and CMS, Inc. (formerly APS Affiliates, Inc.), hereinafter referred to as Contractor, have entered into Agreement No. 68733 to provide the operation of a concession to the Public Library; and

WHEREAS, County and Contractor desire to amend the Agreement in order to extend the term and to offset the cost of fuel,

NOW THEREFORE, the parties hereby agree that Agreement No. 68733 is amended as follows:

1. Part A, General Requirements, Section 3.0, Contract Payment is hereby amended to read:
 - 3.0 The Concessionaire shall provide an allowance of forty-five thousand (45,000) free copies from black and white photocopiers for County staff use per month. County shall pay the Concessionaire three and seven tenths of a cent (\$0.037) plus sales tax for any copies made in excess of forty-five thousand. In addition, the County shall pay the Concessionaire five hundred dollars (\$500.00) per month to offset the cost of fuel.
2. Part A General Requirements, Section 5.2, Extension of Agreement is hereby amended to read as follows: County and Concessionaire hereby agree to extend the contract herein, but not attached, effective October 1, 2005, for six months. Thereafter, the agreement may be extended on a month-to-month basis as needed, not to exceed six (6) months, upon mutual agreement, to be executed by the County Librarian. The Concessionaire shall be given thirty (30) days notice prior to termination of agreement.

Except as expressly provided in this Amendment No. 4, all provisions, terms and conditions of the Agreement shall remain the same and in full force and effect.

IN WITNESS WHEREOF, the County and the Contractor have hereunto subscribed their names by and through their officers' thereunto duly authorized, as of the day, month, and year hereinabove first written.

THE COUNTY OF LOS ANGELES

By: _____
Margaret Donnellan Todd
County Librarian

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.

County Counsel

By: David Beaudet
DAVID R. BEAUDET
Deputy County Counsel

CMS ,Inc.

By: _____
Tami Leslie , Vice President